

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated October 17, 2007 (Office Action) and are filed concurrently with a Request for Continued Examination (RCE). The Examiner is expressly authorized to charge any incurred fees to Deposit Account 50-0951.

In the Office Action, Claims 1, 4, 14, 17, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0010715 to Chinn, *et al.* (hereinafter Chinn), in view of U.S. Patent No. 6,275,378 to Schuba, *et al.* (hereinafter Schuba), and further in view of U.S. Patent 6,269,336 to Ladd, *et al.* (hereinafter Ladd).

Applicants wish to express their sincere appreciation for the Examiner's articulate reply to their previous arguments. Although Applicants respectfully disagree with the reply arguments and claim rejections, Applicants nevertheless have amended each of the independent claims so as to expedite prosecution of the present application. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

Claim Amendments

The claims recite systems, methods, and computer-readable storage media for providing help within an interactive voice response (IVR) application. The claims, as amended, recite additional aspects of providing such help. For example, as recited, in the context of utilizing the IVR application, a previous presentment of a menu or other

prompt can be repeated if and when a first time-out event occurs subsequent to a no-match event. (See, e.g., Specification, paragraph 0025, lines 1-3.) If a second time-out event occurs after repeating the previous presentment of the menu or other prompt, a predetermined help message can be presented. (See, e.g., Specification, paragraph 0025, lines 3-6.) Conversely, if the first time-out event occurs subsequent to a no-response event, the predetermined help message can be presented and the previous presentment of the menu or other prompt is not repeated. (See, e.g., Specification, paragraph 0025, lines 6-11.)

The Claims Define Over The Cited References

As noted above, independent Claims 1, 5, 14, 18, 27, and 28 were each rejected as being unpatentable over Chinn, in view of Schuba, and further in view of Ladd. Applicants recognize that Ladd, as noted at page 8 of the Office Action, has been cited as disclosing "determining if an event is one of a no-match event and a time-out event." Applicants maintain, however, as asserted in Applicants' previous response, Ladd discloses "differentiating between no-match and no-response events, but is silent regarding distinguishing between user-initiated help requests and default help requests."

Although Applicants did previously note Schuba's "unrelated context" of communications networking, Applicants emphatically do *not* rely on any argument based upon Schuba's being non-analogous art. Rather as previously argued by Applicants:

"even if Schuba, albeit in a wholly unrelated context, suggests setting a timeout period to a value less than a default, that still suggests nothing about which event – the default help request or the user-initiated help request – should be associated with the shorter time interval. Applicants respectfully submit that this issue raised previously by Applicants has yet to

be addressed. Applicants respectfully submit that not only does the combination of references fail to suggest treating the two types of events – a default help request and a user-initiated help request – differently, but moreover, nothing in the references suggests anything regarding the distinct manner in which each is to be treated. Specifically, none of the references even remotely suggest that a help message should be sent more quickly following a user-initiated help request than one sent following a default help request. (Applicants' previous response of August 13, 2007, p. 14.) (Emphasis supplied.)

It was in this sense that Applicants stated that Schuba arose from a wholly unrelated context: because Schuba did not contemplate help messages, Schuba did not supply that feature lacking in the other references – namely, setting sending a help message more quickly following a user-initiated help request than one sent following a default help request.

Applicants respectfully submit that this leads to the other argument presented in Applicants last and earlier responses pertaining to Applicants' recognition of the source of a problem in the art. As previously noted by Applicants, one aspect of the invention is the recognition that "the ordinary user is helped if given more time to provide input after receiving a response to a default help request, and if given relatively less time to provide input after receiving a response to a user-initiated help request." (Applicants' previous response of August 13, 2007, p. 15, citing paragraph [0011] of the Specification.)

In raising this argument, Applicants were relying on long-established precedent that has held that an inventive aspect of a system or method can be the recognition of the source of a problem in the art. As originally and explicitly stated by the Supreme Court:

The invention was not the mere use of a high or substantial pitch to remedy a known source of trouble. It was the discovery of the source [of the trouble] not before known and the application of the remedy for which Eibel was entitled to be rewarded in his patent. *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 U.S. 45, 68 (1923) (Emphasis supplied.)

Applicants renew their earlier assertion that none of the references teach or suggest which of different events should be associated with the shorter time interval. The references provide no suggestion whether the default help request or the user-initiated help request should be associated with the shorter time interval. The timing at which, as well as the conditions under which, help messages are provided depend on the type of help request. These are aspects of the invention expressly recited in the claims. As such these features must be explicitly addressed. Applicants respectfully maintain that none of the cited references teach or suggest these features.

Moreover, none of the references teach or suggest the additional features recited in each of the independent claims. For example, none of the references teach or suggest repeating a previous presentment of a menu or other prompt if a first time-out event occurs subsequent to a no-match event. None of the references teach or suggest that if a second time-out event occurs after repeating the previous presentment of the menu or other prompt, a predetermined help message is presented. Likewise none of the references teach or suggest that if the first time-out event occurs subsequent to a no-response event, the predetermined help message is presented and the previous presentment of the menu or other prompt is not repeated.

Accordingly, not Chinn, Schuba, or Ladd teach or suggest every feature recited in independent Claims 1, 5, 14, 18, 27, and 28. Applicants respectfully submit, therefore, that Claims 1, 5, 14, 18, 27, and 28 each define over the prior art. Applicants further

respectfully submit that, whereas each of the remaining claims depends from Claim 1, 5, 14, 18, 27, or 28 while reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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